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ATTORNEY DOCKET NO. 10990641-1

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Peter G. Webb

Serial No.: 09/359,527

Examiner: Betty J. Forman

Filing Date: July 22, 1999

Group Art Unit: 1634

Title: METHODS OF FABRICATING AN ADDRESSABLE ARRAY OF BIOPOLYMER PROBES

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

## TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment ☐ Petition to extend time to respond  
☐ New fee as calculated below ☐ Supplemental Declaration  
☐ No additional fee (Address envelope to "Mail Stop Amendments")  
☒ Other: Resubmission of Terminal Disclaimer filed on 11- '6-06 (Fee \$ )

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X 50	\$ 0
INDEP CLAIMS		MINUS		= 0	X 200	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 360	\$ 0
EXTENSION FEE	1 <sup>ST</sup> MONTH 120.00 <input type="checkbox"/>	2 <sup>ND</sup> MONTH 450.00 <input type="checkbox"/>	3 <sup>RD</sup> MONTH 1020.00 <input type="checkbox"/>	4 <sup>TH</sup> MONTH 1590.00 <input type="checkbox"/>		\$ 0
OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Peter G. Webb

By

Bret E. Field for Timothy Joyce  
Attorney/Agent for Applicant(s)

Reg. No. 37,620

Date: 11-16-2006

Telephone No. (408) 553-2510

I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on  
the date shown below:

Date of facsimile: 11-16-2006

Typed Name: Donna Macedo

Signature:

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Legal Department, DL429  
Intellectual Property Administration  
P. O. Box 7599  
Loveland, Colorado 80537-0599

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NOV 16 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Peter G. Webb

Serial No.: 09/359,527

Examiner: Betty J. Forman

Filing Date: July 22, 1999

Group Art Unit: 1634

Title: METHODS OF FABRICATING AN ADDRESSABLE ARRAY OF BIOPOLYMER PROBES

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

**TERMINAL DISCLAIMER**  
**RESPONSIVE TO A DOUBLE PATENTING REJECTION**

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 7,027,629 to Agilent Technologies Inc., which issued on 04-11-06 and is commonly owned by Applicant. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**TERMINAL DISCLAIMER - DOUBLE PATENTING**  
(continued)

ATTORNEY DOCKET NO. 10990641-1

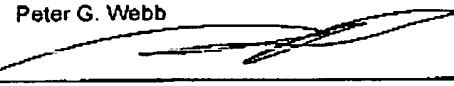
NOV 16 2006

Please charge the required fee set forth in 37 CFR 1.29(d) of ~~\$130.00~~ to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

Respectfully submitted,

Peter G. Webb

By

  
Bret E. Field for Timothy Joyce  
Attorney/Agent for Applicant(s)

- ☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P O Box 1450, Alexandria VA 22313-1450.

Date of Deposit:

OR

- ☒ I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents on the date shown below.

Date of Facsimile: 11-16-2006

Typed Name: Donna Macodo

Signature: 

Reg. No. 37,620

Date: 11-16-2006

Telephone No. (408) 553-2510